

Business, Research and Economic Development

PUBLIC 512 An Act To Protect Consumer Privacy Rights

LD 692

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE TREAT	OTP-AM MAJ ONTP MIN	H-627

Public Law 2003, chapter 512 restricts the ability of a person, corporation or other entity to deny goods or services to a consumer on the basis of that consumer's failure to provide a social security number, except when otherwise permitted or required by state or federal law or when the purpose of the request for the social security number is to permit the requesting party to obtain a credit report for a "permissible purpose" under the state Fair Credit Reporting Act or the United States Fair Credit Reporting Act. The law exempts banks and credit unions and their agents, subsidiaries and affiliates; licensed supervised lenders; companies engaged in the business of insurance; health care and pharmaceutical companies; companies that conduct necessary background checks; and companies that must ensure the identity of the individuals for whom they are providing a good or service.

**PUBLIC 524 An Act To Authorize Collaborative Practice for Emergency
Contraception**

LD 1152

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT RICHARDSON J	OTP MAJ ONTP MIN	

Public Law 2003, chapter 524 authorizes a pharmacist to initiate emergency contraception drug therapy in accordance with standardized protocols developed by the pharmacist and an authorized prescriber acting within his or her scope of practice. The law requires a pharmacist who initiates emergency contraception drug therapy pursuant to these provisions to provide the recipient with a standardized fact sheet developed by the Department of Professional and Financial Regulation, Maine Board of Pharmacy, in consultation with the Department of Human Services, the American College of Obstetricians and Gynecologists, the Maine Pharmacy Association and other health care organizations. The law also requires that prior to performing this procedure a pharmacist complete a specified training program.

PUBLIC 537 An Act To Simplify the Finance Authority of Maine Act

LD 1766

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KAELIN BROMLEY	OTP-AM MAJ ONTP MIN	H-686

Public Law 2003, chapter 537 simplifies the Finance Authority of Maine Act by consolidating the loan insurance sections of law and making involvement of the Department of Environmental Protection consistent throughout the

Business, Research and Economic Development

Finance Authority of Maine's loan insurance programs. The law also clarifies definitions, corrects cross-references and repeals redundant statutory sections.

PUBLIC 541 An Act To Strengthen the Charitable Solicitations Act LD 1691

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SMITH N	OTP	

Public Law 2003, chapter 541 creates consistency in the timing and content of reports submitted by charitable organizations and the parties with whom they contract in order to facilitate comparison of data regarding the reported percentage of funds raised that are remitted to the charity for program purposes and the percentage accruing to the benefit of paid professional solicitors. The law also clarifies the distinction between a professional solicitor and a professional fund-raising counsel. In addition, the law enables the Department of Professional and Financial Regulation to collect financial data from professional solicitors who have, in the past, been able to withhold it by obtaining registrations as professional fund-raising counsel, as is currently permitted by law. The law also extends the disciplinary authority of the department over entities registered under the Charitable Solicitations Act to any instance in which the provisions of the act have been violated. Finally, the law eliminates the bonding exemption for auctioneers who become professional solicitors, professional fund-raising counsel or commercial co-venturers.

PUBLIC 542 An Act To Clarify the Educational Requirements for Counselor LD 1757
Licensure

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN BRENNAN	OTP	

Public Law 2003, chapter 542 clarifies existing statutory language regarding educational requirements for counselor licensure. The law removes barriers to licensure for qualified practitioners, including first-time applicants as well as practitioners licensed in other states.

PUBLIC 557 An Act To Authorize Licensure by Endorsement for Canadian LD 1736
EMERGENCY Dentists and Dental Hygienists

Business, Research and Economic Development

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PELLON BROMLEY	OTP-AM	H-708

Public Law 2003, chapter 557 allows dentists and dental hygienists from Canada to be endorsed for licensure in Maine. The law was enacted as an emergency measure effective March 17, 2004.

PUBLIC 580 An Act To Adopt a Model Building Code LD 1025

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM MAJ ONTP MIN	S-417

Public Law 2003, chapter 580 establishes the Maine Model Building Code, which is composed of the International Residential Code and the International Building Code. Adoption of the Maine Model Building Code is voluntary on the part of towns, cities and municipalities, but a town, city or municipality may not elect to adopt a residential building code or nonresidential building code other than the Maine Model Building Code. The law also allows local amendments to the Maine Model Building Code, including adoption of portions of the code, and does not prohibit local adoption of building rehabilitation codes. The law specifies that, to the extent that portions of the Maine Model Building Code conflict with existing statewide codes and standards, those portions of the Maine Model Building Code are inapplicable. The law also specifies that no other codes or standards are automatically adopted by reference as part of the Maine Model Building Code. Finally, the law clarifies that no new training of code enforcement officers by the Executive Department, State Planning Office is required.

PUBLIC 582 An Act To Facilitate the Recovery of Stolen Property LD 1715

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO	OTP-AM MAJ OTP-AM MIN	S-407

Public Law 2003, chapter 582 leaves intact existing statutory requirements for recording information concerning the purchase of used goods and for making those records available for inspection by law enforcement officers or prosecuting attorneys. The law moves these requirements out of the Maine Revised Statutes, Title 15 and into Title 30-A.

PUBLIC 595 An Act To Control Adult Entertainment Establishments LD 1801

Business, Research and Economic Development

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS	ONTP MAJ OTP-AM MIN	H-733

Public Law 2003, chapter 595 enables a municipality to enact an adult entertainment establishment ordinance, which regulates the operation of sexually oriented businesses, without triggering the requirement of adoption of a comprehensive plan.

PUBLIC 597 An Act To Amend the Boiler and Pressure Vessel Law LD 1879

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN SULLIVAN	OTP-AM	S-431

Public Law 2003, chapter 597 eliminates the statutory requirement that steam boilers not exceeding 15 pounds per square inch or hot water and hot water supply boilers not exceeding 160 pounds per square inch or 250 degrees Fahrenheit owned by schools and municipalities be operated by licensed boiler operators. The law also eliminates the distinction between the two types of boiler operator's licenses, combining them into one boiler operator's license, and clarifies that local water districts are exempt from boiler inspection requirements in the same manner as schools and municipally owned buildings.

PUBLIC 598 An Act To Amend the Laws Governing the Loring Development LD 1880 EMERGENCY Authority of Maine

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN YOUNG	OTP-AM	S-432

Public Law 2003, chapter 598 conforms the Loring Development Authority of Maine's bonding powers to those bonding powers of other agencies of the State and makes the authority's enabling statute consistent with federal law by incorporating the changes that have been made to federal and state law since the adoption of the Loring Development Authority of Maine's enabling statute in 1993. The law also restricts the authority of the Loring Development Authority to issue bonds only to finance projects that are substantially located within Aroostook County.

Public Law 2003, chapter 598 was enacted as an emergency measure effective April 6, 2004.

Business, Research and Economic Development

PUBLIC 601 An Act To Implement the Recommendations of the Joint Standing LD 1933
Committee on Business, Research and Economic Development
Regarding the Board of Licensure in Medicine Pursuant to Reviews
Conducted under the State Government Evaluation Act

Sponsor(s)

Committee Report

Amendments Adopted

Public Law 2003, chapter 601 implements the recommendations of the Joint Standing Committee on Business, Research and Economic Development pursuant to its review of the Board of Licensure in Medicine under the State Government Evaluation Act. The law:

1. Delegates to the secretary of the Board of Licensure in Medicine certain duties, including license application reviews, and to the board's executive director the receipt of fees;
2. Recognizes combined training programs not yet accredited as well as physician training in the United Kingdom other than internal medicine and surgery, and updates postgraduate training requirements to recognize specialty board certification;
3. Clarifies temporary and emergency locum tenens licensure provisions;
4. Updates requirements for certification during postgraduate training;
5. Allows licenses to be denied renewed when a debt is owed to the board;
6. Mandates reporting of sexual misconduct; and
7. Makes other technical corrections to existing statutes.

PUBLIC 603 An Act To Amend the Definition of "Electrical Installations" in the LD 1773
Laws Governing Electricians

Sponsor(s)
SIMPSON
BRYANT

Committee Report
OTP

Amendments Adopted

Public Law 2003, chapter 603 amends the laws governing electricians to include complete installations related to photovoltaic, fuel cell and wind power generation systems in the definition of "electrical installations."

PUBLIC 605 An Act To Provide Assistance to Municipalities Regarding LD 1663
Downtown Rehabilitation Building Codes

Business, Research and Economic Development

Companies

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM MAJ	H-838
HALL	ONTP MIN	H-902 SULLIVAN

Public Law 2003, chapter 668 strengthens the laws regarding payroll processors in the following ways:

1. It designates the Office of Consumer Credit Regulation within the Department of Professional and Financial Regulation as the administrator for the licensing program for payroll processors other than those payroll processors that are wholly owned subsidiaries of financial institutions; for payroll processors that are wholly owned subsidiaries of financial institutions, the law designates the Superintendent of Financial Institutions within the Department of Professional and Financial Regulation as the administrator for the licensing program;
2. It requires that payroll processors be licensed and establishes a 3-tiered fee for licensure, based on the number of client employers a payroll processor serves, as follows: \$250 for processors serving fewer than 25 client employers; \$500 for processors serving 25 to 500 client employers; and \$750 for processors serving more than 500 client employers;
3. It sets the amount for required surety bonds at between \$100,000 and \$500,000, depending on the amount of employers' taxes and unemployment insurance premiums handled, and authorizes the administrator to modify the surety bonding requirement if the bonds are not available. It also exempts payroll processors that do not have the authority to access, control, direct, transfer or disburse client funds from the surety bonding requirements;
4. It triples existing statutory fines for failure to register per violation, from a range of \$500 to \$2,500 to a range of \$1,500 to \$7,500 for failure to obtain a license per violation;
5. It requires disclosures by payroll processors to client employers, including quarterly accountings of funds disbursed, notice of methods by which the employers may verify that taxes have been paid and limitations of surety bonds. It also exempts payroll processors that do not have the authority to access, control, direct, transfer or disburse client funds from the disclosure requirements;
6. It prohibits payroll processors from being designated as sole recipients of delinquency notices for tax payments;
7. It requires notification when bond coverage lapses and establishes each day of lapsed coverage as a civil violation subject to a penalty of \$1,500 to \$7,500;
8. It establishes regulatory powers of the administrator of the licensing program, including regular and special examinations, subpoena power, inspection and maintenance of records, assessment of expenses and rule-making authority. The law also allows the administrator to use an internal or external audit of a payroll processor to supplement or substitute for the administrator's own regular examination;
9. It enables the administrator to contract with other agencies, including for the purpose of sharing confidential information in furtherance of the licensing program and enforcement;

Business, Research and Economic Development

10. It establishes enforcement actions available to the administrator, including cease and desist actions, bond forfeiture, civil actions, increased regulatory oversight and license suspensions and revocations, as well as a private right of action; and
11. It establishes procedures for the administrator to appoint a receiver in cases of insolvency or potential liquidation of a payroll processor.

PUBLIC 669 An Act To Implement the Recommendations of the Joint Standing LD 1958
Committee on Business, Research and Economic Development
Regarding the Board of Dental Examiners Pursuant to Reviews
Conducted under the State Government Evaluation Act

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	S-498 HALL S-499 BROMLEY

Public Law 2003, chapter 669 implements the recommendations of the Joint Standing Committee on Business, Research and Economic Development pursuant to its review of the Board of Dental Examiners under the State Government Evaluation Act. The law:

1. Adds one dental hygienist member position to the Board of Dental Examiners;
2. Creates the Subcommittee on Denturist Discipline and the Subcommittee on Dental Hygienist Submissions, each with the authority to issue recommendations on matters within the subcommittee's scope that are binding unless overturned by a 2/3 supermajority of the board;
3. Authorizes the board to order mental or physical examinations of dentist, dental hygienist and dental radiographer licensees, identical to the board's existing authority to order examinations for denturist licensees;
4. Increases required hours of continuing education for dental hygienists from 20 to 30 every 2 years;
5. Codifies in statute the current rules of the board concerning the requirements for licensure of dental hygienists who are graduates of accredited programs;
6. Directs the Commissioner of Professional and Financial Regulation to perform a sunrise review concerning the expansion of the scope of practice of licensed denturists to include fabrication and insertion of partial dentures and dentures over implants and authorizes the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to introduce a bill in the First Regular Session of the 122nd Legislature to expand that scope of practice accordingly; and
7. Increases the fee caps for licensees as follows: for dentists, from \$400 to \$550; for dental hygienists, from \$100 to \$175; for denturists, from \$100 to \$175; and for dental radiographers, from \$50 to \$125.

Business, Research and Economic Development

PUBLIC 681 An Act To Encourage and Support Maine Small Businesses LD 1325

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM MAJ	S-486
SULLIVAN	ONTP MIN	S-562 CATHCART

Public Law 2003, chapter 681 does the following.

1. It authorizes the InforME system to designate as "InforME Goldstar Communities" those towns, cities or municipalities that provide exemplary on-line services for persons seeking to establish businesses in the State;
2. It requires that appointments to the Maine Regulatory Fairness Board be presented to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters prior to being made final;
3. It changes the name of the Maine Small Business Commission to the Maine Small Business and Entrepreneurship Commission;
4. It includes the House and Senate chairs of the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters as ex officio, nonvoting members and the chair of the Small Business Development Centers Advisory Council as a voting member of the Maine Small Business and Entrepreneurship Commission; and
5. It directs the InforME system, in cooperation with certain state agencies, to include, no later than January 1, 2006, as part of its services on-line application and submission of forms for licensure as a business. Additionally, the law requires live on-line assistance from the Department of Economic and Community Development, with technical assistance from the InforME system, to address questions concerning establishment of a business in the State.

PUBLIC 700 An Act To Amend the Laws Concerning Returnable Beverage LD 1257
EMERGENCY Containers

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM	H-855
CATHCART		H-977

Public Law 2003, chapter 700 phases in the transfer of unclaimed deposits and handling fee increases for beverage containers in product groups that are the subject of commingling agreements that have been filed by March 1, 2004 with the Department of Agriculture, Food and Rural Resources regardless of whether the initiator of deposit was a party to that agreement. On July 1, 2004, initiators of deposit must pay the additional 1/2¢ handling fee and transfer unclaimed deposits, for beverage containers not included in a qualified commingling

Business, Research and Economic Development

agreement, that were not paid or transferred during the period of March 1, 2004 to July 1, 2004. The law also enables unclaimed deposit amounts to be treated as a tax and reports concerning unclaimed deposit amounts to be treated as returns, for the purposes of collection and enforcement, and designates the State Tax Assessor as the collector of these amounts.

The law does not correct an error in Public Law 2003, chapter 499, which unintentionally omitted farm wineries from the exemption to commingling requirements and handling fee increases, because that correction is made within the law concerning errors and omissions, Public Law 2003, chapter 688, part F.

PUBLIC 704 An Act To Coordinate Education, Job Training and Employers in LD 1883 Maine

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL STANLEY	OTP-AM	H-825 S-598 CATHCART

Public Law 2003, chapter 704 creates and expands opportunities in Maine to retain and attract youth, defined as persons 15 to 35 years of age. The law does the following.

1. It directs the Department of Economic and Community Development to develop and implement a comprehensive marketing strategy, beginning in fiscal year 2005-06, to promote Maine to youth as an attractive location to pursue education, employment and business development opportunities;
2. It establishes the Future for Youth in Maine State Work Action Tactics Team, or "S.W.A.T. Team," to bring together representatives of government, education, business and labor in a focused, coordinated effort to advise and recommend economic development policy and specific efforts to retain and attract youth;
3. It directs the trustees of the University of Maine System and the Maine Community College System to develop and implement a formal process to work collaboratively with public and private sector representatives of business, industry and economic development to coordinate higher education planning and resource allocation decisions with the needs of the State's economy and business sector, and to develop a comprehensive plan to coordinate higher education with the needs of the business sector; and
4. It directs the Maine State Housing Authority to develop recommendations to create or modify programs with the goal of expanding access to housing for young professionals and young families and specifically to consider strategies to assist renters and first-time home buyers who are under 35 years of age and explore options for linking assistance levels to student loan obligations.

P & S 38 An Act To Provide for the 2004 and 2005 Allocations of the State LD 1838 EMERGENCY Ceiling on Private Activity Bonds

Business, Research and Economic Development

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN BROMLEY	OTP	

Private and Special Law 2003, chapter 38 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2004 and 2005. Under federal law, a maximum of \$233,795,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2004 and a maximum of \$233,795,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2005. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Private and Special Law 2003, chapter 38 was enacted as an emergency measure effective March 17, 2004.

P & S 41 EMERGENCY An Act To Provide for a Limited Transition Provision for Renewal LD 1931 of Certain Social Worker Licenses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP	

Private and Special Law 2003, chapter 41 addresses problems with the implementation of Public Law 2003, chapter 429. That law became effective on September 13, 2003. The new consultation requirements of that chapter, however, became effective on January 1, 2004. To avoid unfairness to licensees who held valid licenses on September 13, 2003 but who have not been subject to those consultation requirements before and who will need a reasonable period of time within which to comply with those requirements, Private and Special Law 2003, chapter 41 provides for a limited transition to authorize the Department of Professional and Financial Regulation, State Board of Social Worker Licensure to delay application of new consultation requirements for those licensees so that all licensees will have not less than 2 years, the equivalent of one 2-year license cycle, but not more than 4 years, the equivalent of 2 2-year license cycles, to meet the new consultation requirements as provided by Public Law 2003, chapter 429.

Private and Special Law 2003, chapter 41 was enacted as an emergency measure effective April 7, 2004.

RESOLVE 126 EMERGENCY Resolve, Regarding Legislative Review of Portions of Chapter 360: LD 1831 Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-758

Business, Research and Economic Development

Resolve 2003, chapter 126 approves the final adoption of portions of Chapter 360: Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a provisionally adopted major substantive rule of the Department of Agriculture, Food and Rural Resources provided that:

1. Language is added providing an exception to the annual license fee so that initiators of deposit that are small bottlers and brewers are required to pay a \$50 rather than a \$500 annual license fee;
2. Language is added providing that a distributor designated in a qualified commingling agreement is required to pick up beverage containers for all distributors who are members in the commingling agreement each time the distributor makes a regularly scheduled delivery of beverages; and
3. Language is added to provide that wine containers marked by the manufacturer with a label that is consistent with the requirements of the rule are not required to have any additional labels, stickers or marking.

Resolve 2003, chapter 126 was enacted as an emergency measure effective April 9, 2004.

RESOLVE 132 **Resolve, Regarding Legislative Review of Chapter 302: Rules for** **LD 1914**
EMERGENCY **the Maine Microenterprise Initiative, a Major Substantive Rule of**
the Department of Economic and Community Development

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-785

Resolve 2003, chapter 132 approves Chapter 302: Rules for the Maine Microenterprise Initiative, a major substantive rule of the Department of Economic and Community Development, with the following changes:

1. Language is changed to restore the original grant amounts of \$150,000 and \$75,000, rather than the proposed change of amounts to \$175,000 and \$100,000; and
2. Language is added to give preference to proposals from businesses with 5 or fewer employees.

Resolve 2003, chapter 132 was enacted as an emergency measure effective April 14, 2004.

RESOLVE 140 **Resolve, Authorizing Professional and Occupational Licensing** **LD 1959**
EMERGENCY **Authorities in State Government To Defer or Waive Continuing**
Education Requirements for Military Personnel

Business, Research and Economic Development

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK BROMLEY		H-903 SULLIVAN

Resolve 2003, chapter 140 gives professional and occupational licensing authorities in State Government limited authority to waive continuing education requirements for returning service personnel, including personnel serving in Iraq, Kuwait, Afghanistan and Cuba.